

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MAINE**

<b>DELENE STERN,</b>	)	
	)	
<b><i>Plaintiff,</i></b>	)	
	)	
<b>v.</b>	)	<b><i>No. 2:12-cv-326-JAW</i></b>
	)	
	)	
<b><i>CAROLYN W. COLVIN, Acting</i></b>	)	
<b><i>Commissioner of Social Security,</i></b>	)	
	)	
<b><i>Defendant</i></b>	)	

**RECOMMENDED DECISION ON ORDER TO SHOW CAUSE**

In this action for judicial review of a decision denying her application for social security benefits, the plaintiff, then represented by counsel, received notification via this court's procedural order dated February 7, 2013, ECF No. 13, that her itemized statement of specific errors and fact sheet were due within 60 days, or on April 8, 2013. On April 8, 2013, the plaintiff's attorney filed an unopposed motion to withdraw, which I granted on April 9, 2013. In my April 9 order, I ordered that "the plaintiff shall enter the appearance of replacement counsel or file *pro se* a statement of errors and fact sheet by May 8, 2013." ECF No. 15. A copy of my April 9 order was mailed to the plaintiff on April 10. A statement of errors and fact sheet were not filed by the May 8 deadline, nor did successor counsel enter an appearance.

As a result of the plaintiff's failure timely to file a statement of errors and fact sheet in support of her complaint, I issued an order to show cause on May 13, 2013. The show cause order advised the plaintiff that her complaint was in order to be dismissed for lack of prosecution and gave her 14 days, or until May 28, 2013, to show cause in writing for her failure to comply

with the May 8 filing deadline. The show cause order was mailed to the plaintiff on May 13, 2013.

The May 28 deadline set by my order to show cause has passed, and the plaintiff has failed to respond to the order in any way. Consequently, I recommend that the court dismiss her complaint for failure to prosecute.

**NOTICE**

***A party may file objections to those specified portions of a magistrate judge's report or proposed findings or recommended decisions entered pursuant to 28 U.S.C. § 636(b)(1)(B) for which de novo review by the district court is sought, together with a supporting memorandum, within fourteen (14) days of being served with a copy thereof. A responsive memorandum shall be filed within fourteen (14) days after the filing of the objection.***

***Failure to file a timely objection shall constitute a waiver of the right to de novo review by the district court and to appeal the district court's order.***

Dated this 6<sup>th</sup> day of June, 2013.

/s/ John H. Rich III  
John H. Rich III  
United States Magistrate Judge